

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 138**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on Education, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 161.670 and 167.121, to  
3 read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the  
2 state board of education shall establish [a virtual public school] **the "Missouri**  
3 **Course Access and Virtual School Program"** to serve school-age students  
4 residing in the state. The [virtual public school] **Missouri course access and**  
5 **virtual school program** shall offer instruction in a virtual setting using  
6 technology, intranet, and/or internet methods of communication. Any student  
7 under the age of twenty-one in grades kindergarten through twelve who resides  
8 in this state shall be eligible to enroll in the [virtual public school regardless of  
9 the student's physical location] **Missouri course access and virtual school**  
10 **program pursuant to subsection 3 of this section.**

11 2. For purposes of calculation and distribution of state school aid,  
12 students enrolled in [a virtual public school] **the Missouri course access and**  
13 **virtual school program** shall be included[, at the choice of the student's parent  
14 or guardian,] in the student enrollment of the school district in which the student  
15 physically [resides] **is enrolled under subsection 3 of this section.** The  
16 [virtual public school] **Missouri course access and virtual school program**  
17 shall report to the district of residence the following information about each

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 student served by the [virtual public school] **Missouri course access and**  
19 **virtual school program**: name, address, eligibility for free or reduced-price  
20 lunch, limited English proficiency status, special education needs, and the  
21 number of courses in which the student is enrolled. The [virtual public school]  
22 **Missouri course access and virtual school program** shall promptly notify  
23 the resident district when a student discontinues enrollment. A "full-time  
24 equivalent student" is a student who successfully has completed the instructional  
25 equivalent of six credits per regular term. Each [virtual] **Missouri course**  
26 **access program** course shall count as one class and shall generate that portion  
27 of a full-time equivalent that a comparable course offered by the school district  
28 would generate. In no case shall more than the full-time equivalency of a regular  
29 term of attendance for a single student be used to claim state aid. Full-time  
30 equivalent student credit completed shall be reported to the department of  
31 elementary and secondary education in the manner prescribed by the  
32 department. Nothing in this section shall prohibit students from enrolling in  
33 additional courses under a separate agreement that includes terms for paying  
34 tuition or course fees.

35           3. [When a school district has one or more resident students enrolled in  
36 a virtual public school program authorized by this section, whose parent or  
37 guardian has chosen to include such student in the district's enrollment, the  
38 department of elementary and secondary education shall disburse an amount  
39 corresponding to fifteen percent of the state aid under sections 163.031 and  
40 163.043 attributable to such student to the resident district. Subject to an annual  
41 appropriation by the general assembly, the department shall disburse an amount  
42 corresponding to eighty-five percent of the state adequacy target attributable to  
43 such student to the virtual public school.

44           4.] (1) **A school district or charter school shall allow any eligible**  
45 **student who resides in such district to enroll in Missouri course access**  
46 **program courses of his or her choice as a part of the student's annual**  
47 **course load each school year or a full-time virtual school option, with**  
48 **any costs associated with such course or courses to be paid by the**  
49 **school district or charter school if:**

50           (a) **The student is enrolled full-time in and has attended, for at**  
51 **least one semester immediately prior to enrolling in the Missouri**  
52 **course access program, a public school, including any public charter**  
53 **school; and**

54           **(b) Prior to enrolling in any Missouri course access program**  
55 **course, a student has received approval from his or her school**  
56 **principal through the procedure described under subdivision (2) of this**  
57 **subsection.**

58           **(2) School districts and charter schools, through the school**  
59 **principal and in cooperation with the school's counselor or a person**  
60 **designated by the district or charter school, shall approve or**  
61 **disapprove a student's request to enroll in a Missouri course access**  
62 **program course or full-time virtual school. The school counselor or a**  
63 **person designated by the district or charter school shall advise any**  
64 **student who requests to enroll in a Missouri course access program**  
65 **course or a full-time virtual school and submit a recommendation to the**  
66 **school principal for final approval. The advice of the school counselor**  
67 **or the person designated by the district or charter school shall be**  
68 **based on his or her assessment of whether participation in the program**  
69 **and enrollment in a particular course are in the student's best interest**  
70 **and shall be done in consultation with the student's parent or legal**  
71 **guardian. Each school district and charter school shall develop a**  
72 **procedure under which a student may appeal the decision made under**  
73 **the provisions of this subdivision. In cases of denial of a request, the**  
74 **school district or charter school shall inform students and parents of**  
75 **the reason for denial and inform them of their right to appeal any**  
76 **enrollment denials in state course access program courses or full-time**  
77 **virtual school to the department of elementary and secondary**  
78 **education, which shall provide a final enrollment decision within seven**  
79 **calendar days. The state board of education shall establish guidelines**  
80 **governing the appeals process.**

81           **(3) For students enrolled in any Missouri course access program**  
82 **course in which costs associated with such course are to be paid by the**  
83 **school district or charter school as described under subdivision (1) of**  
84 **this subsection, the school district or charter school shall pay the**  
85 **content provider directly on a pro rata monthly basis based on a**  
86 **student's completion of assignments and assessments. If a student**  
87 **discontinues enrollment, the district or charter school may stop making**  
88 **monthly payments to the content provider. No school district or**  
89 **charter school shall pay, for any one course for a student, more than**  
90 **the market necessary costs but in no case shall pay more than fourteen**

91 percent of the state adequacy target, as defined under section 163.011,  
92 as calculated at the end of the most recent school year for any single,  
93 year-long course and no more than seven percent of the state adequacy  
94 target as described above for any single semester equivalent  
95 course. Payment for a full-time virtual school student shall not exceed  
96 the state adequacy target, unless the student receives additional  
97 federal or state aid. Nothing in this subdivision shall prohibit a school  
98 district or charter school from negotiating lower costs directly with  
99 course or full-time virtual school providers, particularly in cases where  
100 several students enroll in a single course or full-time virtual school.

101 (4) In the case of a student who is a candidate for A+ tuition  
102 reimbursement and taking a virtual course under this section, the  
103 school shall attribute no less than ninety-five percent attendance to any  
104 such student who has completed such virtual course.

105 (5) The Missouri course access program shall ensure that  
106 individual learning plans designed by certified teachers and  
107 professional staff are developed for all students enrolled in more than  
108 two full-time course access program courses or a full-time virtual  
109 school.

110 (6) Providers shall monitor student success and engagement of  
111 students enrolled in their program and report the information to the  
112 school district or charter school. Providers may make  
113 recommendations to the school district or charter school regarding the  
114 student's continued enrollment in the program. The school district or  
115 charter school shall consider recommendations from providers and  
116 monitor the progress and success of enrolled students that are enrolled  
117 in any course or full-time virtual school offered under this section and  
118 may terminate or alter the course offering if it is found the course or  
119 full-time virtual school is not meeting the educational needs of the  
120 students enrolled in the course.

121 (7) School districts and charter schools shall monitor student  
122 progress and success, and course or full-time virtual school quality, and  
123 annually provide feedback to the department of elementary and  
124 secondary education regarding course quality.

125 (8) Pursuant to rules to be adopted by the department of  
126 elementary and secondary education, when a student transfers into a  
127 school district or charter school, credits previously gained through

128 successful passage of approved courses under the Missouri course  
129 access program shall be accepted by the school district or charter  
130 school.

131 (9) Nothing in this section shall prohibit home school students,  
132 private school students, or students wishing to take additional courses  
133 beyond their regular course load from enrolling in Missouri course  
134 access program courses under an agreement that includes terms for  
135 paying tuition or course fees.

136 (10) Nothing in this subsection shall require any school district,  
137 charter school, or the state to provide computers, equipment, or  
138 internet access to any student unless required by an eligible student  
139 with a disability to comply with federal law.

140 (11) The authorization process shall provide for continuous  
141 monitoring of approved providers and courses. The department shall  
142 revoke or suspend or take other corrective action regarding the  
143 authorization of any course or provider no longer meeting the  
144 requirements of the program. Unless immediate action is necessary,  
145 prior to revocation or suspension, the department shall notify the  
146 provider and give the provider a reasonable time period to take  
147 corrective action to avoid revocation or suspension. The process shall  
148 provide for periodic renewal of authorization no less frequently than  
149 once every three years.

150 (12) Courses approved as of January 1, 2018, by the department  
151 to participate in the Missouri virtual instruction program shall be  
152 automatically approved to participate in the state course access and  
153 virtual school program, but shall be subject to periodic renewal.

154 4. School districts or charter schools shall inform parents of  
155 their child's right to participate in the program. Availability of the  
156 program shall be made clear in the parent handbook, registration  
157 documents, and featured on the home page of the school district or  
158 charter school's website.

159 5. The department shall:

160 (1) Establish an authorization process for course or full-time  
161 virtual school providers that includes multiple opportunities for  
162 submission each year;

163 (2) Pursuant to the timeline established by the department,  
164 authorize course or full-time virtual school providers that:

165           **(a) Submit all necessary information pursuant to the**  
166 **requirements of the process; and**

167           **(b) Meet the criteria described in subdivision (3) of this**  
168 **subsection;**

169           **(3) Review, pursuant to the authorization process, proposals**  
170 **from providers to provide a comprehensive, full-time equivalent course**  
171 **of study for students through the Missouri course access program. The**  
172 **department shall ensure that these comprehensive courses of study**  
173 **align to state academic standards and that there is consistency and**  
174 **compatibility in the curriculum used by all providers from one grade**  
175 **level to the next grade level;**

176           **(4) Within thirty days of any denial, provide a written**  
177 **explanation to any course or full-time virtual school providers that are**  
178 **denied authorization.**

179           **6. If a course or full-time virtual school provider is denied**  
180 **authorization, the course provider may reapply at any point in the**  
181 **future.**

182           **7. The department shall publish the process established under**  
183 **this section, including any deadlines and any guidelines applicable to**  
184 **the submission and authorization process for course or full-time virtual**  
185 **school providers on its website.**

186           **8. If the department determines that there are insufficient funds**  
187 **available for evaluating and authorizing course or full-time virtual**  
188 **school providers, the department may charge applicant course or full-**  
189 **time virtual school providers a fee up to, but no greater than, the**  
190 **amount of the costs in order to ensure that evaluation occurs. The**  
191 **department shall establish and publish a fee schedule for purposes of**  
192 **this subsection.**

193           **9. Except as specified in this section and as may be specified by rule of**  
194 **the state board of education, the [virtual public school] Missouri course access**  
195 **and virtual school program shall comply with all state laws and regulations**  
196 **applicable to school districts, including but not limited to the Missouri school**  
197 **improvement program (MSIP), [adequate yearly progress (AYP),] annual**  
198 **performance report (APR), teacher certification, and curriculum standards.**

199           **[5.] 10. The state board of education through the rulemaking process and**  
200 **the department of elementary and secondary education in its policies and**  
201 **procedures shall ensure that multiple content providers are allowed, ensure**

202 **digital content conforms to accessibility requirements, provide an**  
203 **easily accessible link for providers to submit courses or full-time**  
204 **virtual schools on the Missouri course access and virtual school**  
205 **program website, and allow any person, organization, or entity to**  
206 **submit courses or full-time virtual schools for approval. No content**  
207 **provider shall be allowed that is unwilling to accept payments in the**  
208 **amount and manner as described under subdivision (3) of subsection 3**  
209 **of this section or does not meet performance or quality standards**  
210 **adopted by the state board of education.**

211 [6.] 11. Any rule or portion of a rule, as that term is defined in section  
212 536.010, that is created under the authority delegated in this section shall  
213 become effective only if it complies with and is subject to all of the provisions of  
214 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
215 nonseverable and if any of the powers vested with the general assembly pursuant  
216 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
217 a rule are subsequently held unconstitutional, then the grant of rulemaking  
218 authority and any rule proposed or adopted after August 28, 2006, shall be  
219 invalid and void.

167.121. [1.] If the residence of a pupil is so located that attendance in  
2 the district of residence constitutes an unusual or unreasonable transportation  
3 hardship because of natural barriers, travel time, or distance, the commissioner  
4 of education or his designee may assign the pupil to another district. Subject to  
5 the provisions of this section, all existing assignments shall be reviewed prior to  
6 July 1, 1984, and from time to time thereafter, and may be continued or  
7 rescinded. The board of education of the district in which the pupil lives shall  
8 pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata  
9 cost of instruction.

10 [2. (1) For the school year beginning July 1, 2008, and each succeeding  
11 school year, a parent or guardian residing in a lapsed public school district or a  
12 district that has scored either unaccredited or provisionally accredited, or a  
13 combination thereof, on two consecutive annual performance reports may enroll  
14 the parent's or guardian's child in the Missouri virtual school created in section  
15 161.670 provided the pupil first enrolls in the school district of residence. The  
16 school district of residence shall include the pupil's enrollment in the virtual  
17 school created in section 161.670 in determining the district's average daily  
18 attendance. Full-time enrollment in the virtual school shall constitute one

19 average daily attendance equivalent in the school district of residence. Average  
20 daily attendance for part-time enrollment in the virtual school shall be calculated  
21 as a percentage of the total number of virtual courses enrolled in divided by the  
22 number of courses required for full-time attendance in the school district of  
23 residence.

24 (2) A pupil's residence, for purposes of this section, means residency  
25 established under section 167.020. Except for students residing in a K-8 district  
26 attending high school in a district under section 167.131, the board of the home  
27 district shall pay to the virtual school the amount required under section 161.670.

28 (3) Nothing in this section shall require any school district or the state to  
29 provide computers, equipment, internet or other access, supplies, materials or  
30 funding, except as provided in this section, as may be deemed necessary for a  
31 pupil to participate in the virtual school created in section 161.670.

32 (4) Any rule or portion of a rule, as that term is defined in section  
33 536.010, that is created under the authority delegated in this section shall  
34 become effective only if it complies with and is subject to all of the provisions of  
35 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
36 nonseverable and if any of the powers vested with the general assembly pursuant  
37 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
38 a rule are subsequently held unconstitutional, then the grant of rulemaking  
39 authority and any rule proposed or adopted after August 28, 2007, shall be  
40 invalid and void.]

Section B. Section A of this act shall become effective July 1, 2018.

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